Redress System for Abuse in Care Bill

Submission from VOYCE – Whakarongo Mai

November 2025

VOYCE
WHAKARONGO MAI

About VOYCE - Whakarongo Mai

We are VOYCE - Whakarongo Mai, which stands for Voices of the Young and Care Experienced - Listen to me. We are an independent non-governmental organisation that was co-designed by tamariki and rangatahi with care experience. **We exist to amplify the voices of tamariki and rangatahi** through individual and systemic advocacy and ensure they are at the centre of all conversations and decisions being made about their lives.

We believe that it is only in working together (with young people, government, the philanthropic and nongovernment sectors) that the vision of **building a community of positive, confident and capable care experienced young people will be realised.**

We are guided by our five pou in all that we do:

1. WHAKAMANA (empowerment): We advocate alongside of and with care experienced tamariki and rangatahi, in relation to their goals and concerns
2. TŪHONO (connection): We connect care experienced tamariki and rangatahi with each other through activities and local networks
3. WHAKATAIRANGA (amplification): We promote the collective voice of care experienced tamariki and rangatahi so that they can influence the wider system
4. WHAIPŪKENGA (skills development): We equip and enable care experienced tamariki and rangatahi for their future
5. RANGATIRATANGA (leadership development): We build leadership among care experienced tamariki and rangatahi

For more information, please contact: ImpactandInsightsTeam@voyce.org.nz

He mihi

Whakarongo mai ki te iwi nei, **Whakarongo mai ki te marea nei.**	*Listen to the people,* *Listen to the many*
Whakarongo mai ki ngā kupu e kōkirikiri nei, e whakapātari nei.	*Listen to the challenges within the many submissions.*
Ko te marea o VOYCE - Whakarongo Mai tēnei e tau ana e.	*This is the submission from VOYCE – Whakarongo Mai.*
Mā te wairua o ngā tupuna e ārahi nei	*May the spirit of the ancestors guide us*
Kāti, Ka rere te reo o mihi ki a rātou kei tua o te arai, E moe ra!	*We acknowledge those who have gone beyond the veil, rest in peace!*
Ki ngā waihotanga ake ki te ao kikokiko nei	*And we who live in the present*
Tihei Mauri ora.	*Behold the breath of life.*

Our Promises

Our VOYCE – Whakarongo Mai 6 Promises reflect basic expectations from care experienced tamariki and rangatahi. These 6 promises are for all Tamariki and Rangatahi in state care in Aotearoa.

1. E kī taurangi ana au kia whakahōnore a Aotearoa i tōna haepapa, ā mātua nei, kia whakarato ki a koe
   I promise to take care of you and make sure you have the things you need

2. E kī taurangi ana au kia noho mātāmua te pūmautanga i roto i tō oranga
   I promise to make sure you have safety and stability in your life

3. E kī taurangi ana au kia whakarato i te tautoko ki a koe e whai ai koe, e whai wāhi ai hoki koe ki ō whāinga me ō wawata mātauranga
   I promise to help you with your education goals and dreams

4. E kī taurangi ana au kia whai wāhi koe ki ngā ratonga hauora e tika ana mōu i te wā e tika ana
   I promise to support you with healthcare when you need it

5. E kī taurangi ana au kia mātua whai wāhi atu koe ki ngā whakatau e pā ana ki a koe kei noho ana koe ki ngā pūnaha tiaki
   I promise to listen and include you when decisions are made about you

6. E kī taurangi ana au kia whanake i tō tuakiri, kia mōhio ki tō whakapapa, kia whakatipu hoki i tō mana Motuhake
   I promise to help you feel confident in who you are, and learn about your whakapapa, culture and language

These promises arise from our children's basic human rights. Human rights that every tamaiti and rangatahi in Aotearoa should be able to enjoy, and which the State as a parent has an obligation to uphold for children in their care.

These promises are enshrined in legislation via the Oranga Tamariki Act 1989 and Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018. And yet, monitoring of Oranga Tamariki continues to highlight that they are still falling woefully short of their own basic standards and are failing to keep the promises that have been made to our tamariki.

Contributors to this submission

Whakarongo Mai – Listen to me

"I disagree with people who don't have the lived experience making decisions for the people who do have the lived experience." - Care Experienced Rangatahi

We would like to acknowledge the many contributors to this submission from across the VOYCE community. Our submission highlights concerns raised by those with lived experience of the State Care system.

The important voices of those with lived experience of the State Care system can be seen in the comments, quotes and stories throughout this submission, and in the overall position, key points and recommendations.

For the most part, quotes from Care Experienced Rangatahi in the body of the submission have been anonymised.

We tautoko the leadership of all who contribute to elevating the voices of young people in this mahi.

Ka nui te mihi Abigail Bramwell, Grayson Elliott, Ihorangi Reweti Peters, Kaia B., Kingi Palmer, Lisa McLaren and Scarlet Shannon.

Our Position on this Bill

By Lisa McLaren (Care Experienced Rangatahi)

"Care experienced people, especially those who were abused in care, are far more likely to experience poverty, homelessness, mental health issues, and substance abuse - all things that can lead to criminalisation, and with a lack of support, can escalate the level of offending.

We can see step by step how abuse in care draws a pipeline to criminalisation.

The government is not in a position to pick and choose who is compensated for the profound harm that was caused to them. Every single person who was abused in state care deserves redress for what happened to them, no matter how their life has gone post-care.

We cannot judge these victims through a morality lens. There is no such thing as a "good" victim. They are all victims of abuse in state care which has undoubtedly shaped their lives and identity, and every victim is owed acknowledgement and redress from the state parent that failed them."

VOYCE Recommendations

1. VOYCE – Whakarongo Mai opposes this Bill's introduction of a presumption against financial redress for serious violent or sexual offenders.

2. VOYCE – Whakarongo Mai would like to see all recommendations from the Royal Commission's Redress Report actioned: He Purapura Ora, he Māra Tipu from Redress to Puretumu Torowhānui

3. VOYCE – Whakarongo Mai would like to see all recommendations from the Royal Commission's Final Report actioned: Whanaketia – Through pain and trauma, from darkness to light

Introduction

VOYCE – Whakarongo Mai opposes this Bill's introduction of a presumption against financial redress for serious violent or sexual offenders.

The Bill proposes measures that will make it harder for Survivors of abuse in state care to access compensation if they have a criminal record of serious violent or sexual offence.

VOYCE opposes the presumption against financial redress for offenders, on the following grounds:

1. **Abuse inflicted by the state is often the cause of criminal behaviour.**
   The Bill ignores the link between childhood abuse and criminal behaviour. Abuse inflicted by the State is often what causes the behaviours that have led to a conviction. The state is not taking responsibility for this.

2. **Survivors who have been sentenced for a crime are already being punished.**
   These Survivors have already been sentenced. It is unfair to punish Survivors twice.

3. **The Bill goes against the recommendations from the Royal Commission.**
   The Government is ignoring recommendations from the Royal Commission for a Survivor-focused, trauma-informed redress system which includes Survivors who are in prison or have a criminal record.

4. **The Bill goes against the UN Convention on the Rights of the Child.**
   The UN Convention on the Rights of the Child requires the State to provide redress to ALL victims of institutional abuse, without discrimination.

"People with lived experience should be listened to in regards to this Bill." - Care Experienced Rangatahi

VOYCE - Whakarongo Mai Arguments and Supporting Reasons

"People with a criminal record shouldn't have this used against them. It's really unfair. Why would they do that?" - Care Experienced Rangatahi

Abuse inflicted by the State leads to criminal behaviour

"A lot of the time offenders abuse because they have been abused and they don't have access to be able to cope or recover from that. The people making the laws are often people who have never had that kind of lived experience." - Care Experienced Rangatahi

The Government is making redress conditional. The Government should not be able to say who is deserving and who is not when abuse leading to criminal behaviour has been caused at the hands of the state.

The Bill disregards the proven link between childhood abuse and criminal behaviour. *"State care is a pipeline process" - Dr Rawiri Waretini-Karena (Māori academic and Survivor of abuse in care)*

"It's just showing an absolute lack of trauma-informed and evidence-based action." - Care Experienced Rangatahi

Globally, there is substantial evidence on the association between adverse childhood experiences (ACEs) and violence and criminal justice exposure. Abuse inflicted by the State is causative of the behaviours that have led to a conviction. Abuse, neglect, and trauma in care is connected with criminal behaviour and imprisonment. The people who suffered in State care ended up in prison because of what they suffered.

"This brings into question lawmakers' basic understanding of the impacts of childhood abuse, including their understanding about the causal link between childhood abuse and future criminal behaviour." – Sonja Cooper (Human Rights Lawyer)

In the words of one Survivor, *"The abuse was appalling, inhumane, shocking - to me it was criminal."* But the government isn't taking any responsibility for the 'criminal' abuse inflicted on children and young people in the care of the state.

Survivors have been broken by the system. Convictions have resulted from the trauma inflicted on Survivors by the State and the 'care' institutions that this Bill is now aiming to protect.

"I'm worried it's saying "it's your fault you don't get it for offending" which could become a further narrative or culture than informs future policy". - Care Experienced Rangatahi

Survivors who have been sentenced for a crime are already being punished.

"I find it hard to get my head around, it's really targeting the criminals and making it harder for them to get financial redress and support." - Care Experienced Rangatahi

We cannot punish Survivors twice.

These Survivors have already been sentenced and served (or are serving) their time. If victims or society aren't satisfied with sentencing, that is a separate issue. The State can't decide to punish Survivors with convictions again by withholding any financial redress they would otherwise be entitled to.

"The Bill is saying "That's your fault for offending - not a systems issue" - not taking accountability for the system but blaming the victim" - Care Experienced Rangatahi

At the national apology a year ago, the Prime Minister promised that the state would take responsibility: "For many of you it changed the course of your life, and for that, the Government must take responsibility." Instead of taking responsibility for the harm the State caused, the Government is further punishing Survivors.

The proposed law is likely to have a disproportionate impact on Māori and Pasifika, who are over-represented in the state care system and in the criminal justice system. Disabled people are also likely to be disproportionately affected.

"Leaving care and having a disability - the impact can be harder." - Care Experienced Rangatahi

One in three children placed in residential care by the State ends up in prison later in life. The number is **42 percent for mokopuna Māori**. Māori account for **67 percent** of the children in State care and **81 percent** of those who were abused in those institutions.

These are the people who are now being excluded by this Bill.

As outlined in **He Purapura Ora, he Māra Tipu from Redress to Puretumu Torowhānui**: *"It is likely that Māori over-representation in care, and the violence they experienced while in care, has been a factor in Māori over-representation in other areas such a homelessness, addiction and domestic violence. In particular, it has contributed to subsequent Māori over-representation in the criminal justice and prison system. There are clear links – for Māori and non-Māori – between experience in State care and later imprisonment. According to research prepared for the Waitangi Tribunal, 80 per cent of current prisoners have spent time in State care."*

"They aren't taking into account the people they're impacting by denying them basic human rights. After care and prison... it's hard to be seen as a normal human being." - Care Experienced Rangatahi

The Bill demonstrates a lack of understanding of what Survivors have endured. This Bill discriminates against Survivors with criminal records and punishes them twice for a system that failed them first.

"Before they offended they were a victim, and after they offended they were still a victim. The law is the law - so why are they less worthy of justice on this end of things."- Care Experienced Rangatahi

The Bill goes against the recommendations from the Royal Commission.

The Government is ignoring the Royal Commission's findings and recommendations.

"You have a comprehensive report that says what to do but you just ignore it?" - Care Experienced Rangatahi

This Bill ignores the call for creating a new, independent Survivor-centred system as per the recommendations of the Royal Commission. The Royal Commission recommended a single, independent redress scheme governed by legislation that was Survivor focused, trauma informed, and accessible to all Survivors.

"They're not bad people. They might not have found the right way to process. Offer them systems like therapy." - Care Experienced Rangatahi

The Royal Commission recommended that Survivors who are in prison or have a criminal record should not be unduly penalised. Excluding Survivors of abuse in care from accessing financial redress is discriminatory, and counter to a trauma-informed, Survivor-focused redress system.

"The abusers who caused the original pain are still walking free and we are punishing the victims for doing what was done for them." - Care Experienced Rangatahi

The redress announcement in May, this year, ignored every recommendation the Royal Commission made about a redress system. It ignored what Survivors wanted and expected. Instead, we have this Bill, calling itself a "Redress System", that is enabling the Government to once again avoid responsibility for the wrongs the State committed against care experienced children and young people. It is enabling the Government to once again avoid responsibility for the wrongs of the past that the State committed against Survivors of abuse in care.

"This is what kids in care have gone through their entire lives. It's stupid to put people through that trauma again - being ignored and being denied their basic rights." - Care Experienced Rangatahi

The advice outlined in the Royal Commission's Redress Report (**He Purapura Ora, he Māra Tipu from Redress to Puretumu Torowhānui**) literally couldn't be clearer on this matter:

"The scheme should include Survivors in prison or with a criminal record, including those convicted of serious offences. Between 2008 and 2017, the National Government considered a policy to exclude serious offenders, but the Labour Government elected in 2017 decided not to take the matter further. In Australia and in Scotland, serious offenders can be denied redress payments. However, we consider there should continue to be no

exclusion for serious offenders or any extra criteria for them to meet. A large number of those in prison have been in care and the tūkino they suffered may have contributed to their offending. Most are Māori, and they and their whānau are likely to be among those most in need of help through the scheme."

This Bill is in direct contradiction to what was recommended by the Royal Commission. The Royal Commission explicitly recommended against imitating an exclusionary model for redress as Australia and Scotland have done and recommended that all Survivors be able to access redress, including those in prison or with a criminal record.

"It is clear that the Minister and Government will not shoulder any responsibility for the harm and abuse that occurred between 1950-2019 even though the National Party has held power for 44 of those 69 years." - Care Experienced Rangatahi

This Bill goes against the UN Convention on the Rights of the Child

This Bill undermines our country's obligation under international human rights law, including the UN Convention on the Rights of the Child, which requires the State to provide redress to all victims of institutional abuse, without discrimination.

To exclude serious offenders from redress perpetuates systemic injustice and undermines the purpose of this redress scheme.

"I disagree that survivors that have criminal records [should] have it harder to access financial redress". - Care Experienced Rangatahi

Conclusion

"Survivors deserve justice." - Care Experienced Rangatahi

VOYCE – Whakarongo Mai acknowledges the intent of this Bill to avoid bringing the redress scheme into "disrepute" by removing automatic eligibility for financial redress for Survivors of abuse in State care who have subsequently been convicted of serious violent or sexual crimes and sentenced to five years or more in prison.

"This Bill isn't about justice - it's about not bringing the system into disrepute."- Care Experienced Rangatahi

We acknowledge that this government is trying to appeal to the public and that this stance is in line with a largely punitive approach that may appeal to some voters. We would argue that the focus should be on the rights of all Survivors, rather than the reputation of the redress service, or attempts to win votes from the public.

"This Bill isn't targeted towards justice. It's toward protecting and facilitating abusers without being held accountable." - Care Experienced Rangatahi

We have a duty to acknowledge the intergenerational nature of trauma and abuse. The government has a duty to take responsibility for the abuse the State has inflicted on children in their care over decades and a duty to provide genuine redress for *all* Survivors.

VOYCE Whakarongo Mai opposes this Bill on the following grounds:

1. **Abuse inflicted by the state is causative of criminal behaviour.**
2. **Survivors who have been sentenced for a crime are already being punished.**
3. **The Bill goes against the recommendations from the Royal Commission.**
4. **The Bill goes against the UN Convention on the Rights of the Child.**

VOYCE Recommendations

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A Story of Lived Experience

From Kaia B. (Care Experienced Rangatahi)

“A year ago the state apologised and understood the extent of our trauma and how that may have affected our lives and the people we became.

We were promised understanding but then we were met with hostility, we were promised improvements when it came to cultural understanding yet we got the repeal of Oranga Tamariki’s obligation to honour Te Tiriti o Waitangi.

Within the apology the state acknowledged the state care to state prison pipeline without admitting to its existence, or admitting that the party holding the power in government currently played a big part in its creation with predatory laws like the Adoption Act of 1955, the introduction of Lake Alice and the creation and implementation of boot camps in 1971.

It’s 2025, as a society, we have admitted that there is a correlation between childhood trauma and a life of crime. As a population, we understand why someone with an adverse childhood may develop substance abuse issues, especially if the childhood trauma isn't addressed in a therapeutic setting. However, our government has withheld these therapeutic settings by demanding the cut to the cost of operation for Oranga Tamariki.

The wounds of early childhood trauma and adverse events can begin to heal when children are in a loving and stable environment. But this government makes these wounds infected by putting the desires of the birth family above the needs of the child, by leaving kids in foster care long term, and most of the time, hopping from foster home to foster home, citing it's okay because at least foster care is “good enough”.

How else do you expect children to become “productive” members of society when you withhold and/or make support inaccessible? How can we expect wards of the state to transition into society as an adult when we aren't providing them with meaningful whanau connections?

These children aren't being adopted legally, they have no ties to a community due to their constant “rehoming” of foster homes or the homes of extended whanau. I could go on when it comes to the damage the current system can cause on children. However, today I want to address the damage this current system will do to adults if we exclude those who have criminal records.

My father was a ward of the state, so was I, yet we had very different outcomes. My father fell victim to the state care to state prison pipeline but I didn't, and this is because I was adopted into a home with support, love and understanding present. My father did not. My father went between homes for the majority of his childhood, I did not. My father didn't have access to therapy, I did. My father didn't have stability, I did. If we look at the differences between my father and I, and we compare outcomes, it becomes crystal clear as to why; I was provided support, love and stability. My father didn't get support, he wasn't

provided a loving home and he never knew when he would move, he didn't get stability. So he lashed out and got his first conviction, which would have played out differently if he had a stable house and a support network around him. Child Youth and Family Services, now known as Oranga Tamariki, stripped him of a stable home and didn't provide a support network, so he ended up in prison. Once a Māori man has a record, it becomes incredibly difficult to find any meaningful work. Thus, like so many others, he became a jail bird. He was in and out of prisons for the majority of my childhood and adolescence.

If Oranga Tamariki met their obligations of putting the child's welfare as a top priority, my father's story would have been completely different. Oranga Tamariki failed him back then, and with this amendment, they would have failed him again.

You cannot apologise for the abuse you caused and acknowledge how it may have altered one's life path and then turn around a year later and completely dismiss how your actions directly impacted the imprisonment of those you failed to begin with.

This government ought to be ashamed of themselves. This government's ruling party has directly caused many of the issues that were brought up during the royal inquiry into abuse in state and faith based care and in my honest opinion they have no right to dictate who gets access to what.

They have no right to dictate that victims of the pipeline that they created are not allowed to access financial reparations. They have no right to dictate the extent of the damage caused by their actions. In my opinion they are the last people who should be allowed anywhere near anything regarding state care.

If any amendments to the redress must be done during a national government, a third party unrelated to the government (national led especially) or Oranga Tamariki should be making these amendments. We should not be entrusting the reparations of those National have directly harmed, to any hands in the National party.

I urge the government to drop these amendments, listen to the victims that they created and leave any decision making up to those who have an education in this field and who come to their decisions based on facts and data."